

**BOARD OF PSYCHOLOGY**

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**BOARD MEETING MINUTES**

Sheraton Gateway LAX
6101 West Century Boulevard
Los Angeles, CA 90045
(310) 642-1111
Catalina-Clemente Room

May 7, 2004

The open session meeting was called to order by the President, William Lew Tan at 11:00 a.m. A quorum was present and due notice had been sent to all interested parties.

Members Present:

William Lew Tan, President
Jacqueline Horn, Ph.D., Vice-President
Howard Adelman, Ph.D.
Ellen Graff, Ph.D.
Sylvia Johnson
James McGhee
Myra Scott Reifman
William Thomas, Ph.D.

Others Present:

Thomas O'Connor, Executive Officer
Jeffrey Thomas, Assistant Executive Officer
Laura Freedman, Legal Counsel
Kathy Bradbury, Administrative Services Coordinator
Kathi Burns, Enforcement/Probation Coordinator

Public Present:

B.J. Combs, MCEP Accrediting Agency
Rebecca D. Crean, Naval Medical Center, San Diego
Charles Faltz, Ph.D., California Psychological Association
Patricia Rose, Ph.D., San Diego Psychological Association
Maxim Williams, Alliant International University (C.S.P.P.)
Melodie Schaefer, Psy.D.

Agenda Item #1 – Continuing Education Committee Meeting

The Continuing Education Committee met to discuss and formulate recommendations to the Board.

Agenda Item #2 – Committee Meetings – 1:00 p.m.

The Credentials Committee, Examination Committee, Enforcement Committee, Legislation Committee, Consumer Education Committee, and Continuing Education Committee met to

discuss and formulate recommendations to the Board. The Committee meetings concluded at 2:55 p.m.

May 8, 2004

The open session meeting was called to order by the President, William Lew Tan, at 8:32 a.m. A quorum was present and due notice had been sent to all interested parties.

Members Present:

William Lew Tan, President
Jacqueline Horn, PhD, Vice-President
Howard Adelman, PhD
Ellen Graff, PhD
Sylvia Johnson
James McGhee
Myra Scott Reifman
William Thomas, PhD

Others Present:

Thomas O'Connor, Executive Officer
Jeffrey Thomas, Assistant Executive Officer
Laura Freedman, Legal Counsel
Kathy Bradbury, Administrative Services Coordinator
Kathi Burns, Enforcement/Probation Coordinator

Public Present:

Leslie Aguayo, UCSF School of Medicine, Office of CME
B.J. Combs, MCEP Accrediting Agency
Luli Emmons, PhD, California Psychology Internship Council
Charles Faltz, PhD, California Psychological Association
Joyce Fried, UCLA, Office of CME
Allison Parelman, PhD, Los Angeles Society of Clinical Psychologists
Patricia Rose, PhD, San Diego Psychological Association

Agenda Item #6 – Approval of February 6 & 7, 2004, Open Session Minutes

It was M/(Horn)/S/(McGhee)/C to approve the open session minutes.

VOTE: 5 Ayes (Dr. Graff, Ms. Reifman and Dr. Thomas not present)

Agenda Item #7 – President's Report – Mr. Tan

a) 2004/2005 Strategic Plan Approval

It was M/(Adelman)/S/(Horn)/C to approve the 2004/2005 Strategic Plan.

VOTE: 6 Ayes (Dr. Graff and Ms. Reifman not present)

b) Appointment of Chairperson of Personnel Committee

Mr. Tan appointed James McGhee as Chair of the Personnel Committee.

c) Other President's Informational Items

None.

Agenda Item #8 – Executive Officer’s Report – Mr. O’Connor

a) 2004 Budget Hearings

Mr. O’Connor reported that the Senate and Assembly approved the board’s budget for FY 2004-05 with no problems.

b) New DCA Director

Mr. O’Connor reported that Governor Schwarzenegger appointed Charlene Zettel, a former Assemblywoman, as the new Director of the Department of Consumer Affairs. Mr. O’Connor informed the board that he recently met with Ms. Zettel to discuss board issues.

c) Travel Restrictions

Mr. O’Connor reminded the board that the restriction on state travel is still in effect until further notice.

d) Letter to DADP’s Regulations Coordinator

Mr. O’Connor presented a response that he sent to the Regulations Coordinator of the Department of Alcohol and Drug Program (DADP) regarding inaccuracies in their recently proposed regulations. Mr. O’Connor noted that the timeframe to submit a written comment ended on April 2, 2004, and the DADP was submitting a 15-day notice of proposed changes to make corrections to the proposed regulations.

e) Request from Assemblymember Judy Chu Re: AB 947 (Stats. 1998)

Mr. O’Connor reported on a letter from Assemblymember July Chu to the Joint Legislative Audit Committee requesting that the Bureau of State Audits be directed to perform an audit of the Department of Mental Health (DMH) to ascertain whether AB 947 has been fully implemented. This request was pursuant to a letter Assemblymember Chu received from the California Psychological Association (CPA) expressing concerns regarding the impact of DMH’s failure to implement the provisions of this bill. AB 947 addresses scope of practice issues within state hospitals.

f) Other Executive Officer Informational Items

Mr. O’Connor advised the board of the available dates for new board member training.

Mr. O’Connor presented a letter from the Association of State and Provincial Psychology Boards (ASPPB) regarding their efforts to facilitate mobility for licensed psychologists through the Certificate of Professional Qualification (CPQ). He stated that California has recognized the CPQ in its regulations for several years. Mr. O’Connor also noted that this is a benefit to senior psychologists to store credentials for mobility throughout North America.

Mr. O’Connor reported on an email received from A. A. Howsepian, M.D., Ph.D., a psychiatrist who has issues with psychologists consulting with physicians regarding psychotropic medications. Dr. Howsepian requested that his issues be forwarded to the

board. The board thanked Dr. Howsepien for bringing his concerns to the attention of the board.

Mr. O'Connor brought to the board's attention the death of two licensed psychologists. Star Vega, Ph.D., recently died of leukemia. Paul Tobias, Ph.D., who was an organizational psychologist, died in a plane crash in March.

Agenda Item #9 – Legal Counsel's Report – Ms. Freedman

Ms. Freedman had nothing to report at this time.

Agenda Item #10 – Sunset Review

Mr. O'Connor reported that the board's Sunset Review report is due to the Joint Legislative Committee on September 1, 2004. He presented a Sunset Review Progress Report that provided an update of the ten issues that came about from the last Sunset Review in 1997. Mr. O'Connor discussed the draft report that will be completed and brought to the August 2004 board meeting for review and approval by the board.

Agenda Item #11 - Regulation Hearings (10:00 AM)

a) Supervised Professional Experience and Registered Psychologists/Psychological Assistants

Mr. Tan conducted the hearing on the proposed changes regarding Supervised Professional Experience and Registered Psychologists and Psychological Assistants.

Mr. Tan reported that a written comment was received noting that the language for delegated supervision of psychological assistants was eliminated. New proposed language was drafted adding this verbiage back into the regulation. This change will require a 15-day notice of proposed changes to be sent to interested parties to allow them to make comments.

It was M/(McGhee)/S(Horn)/C to adopt the proposed regulation as amended.

It was M/(Adelman)/S(Graff)/C to delegate authority to the Executive Officer to make minor, nonsubstantive changes to the proposed language and to issue a 15 day notice with nonsubstantive changes.

VOTE: 8 Ayes

b) Distance Learning Continuing Education

Mr. Tan conducted the hearing on the proposed changes regarding continuing education through distance learning.

It was M/(Horn)/S(Adelman)/C to adopt the proposed regulation and to delegate the authority to the Executive Officer to make minor, nonsubstantive changes to the proposed language and proceed with the rulemaking process. After discussion, it was determined that the board would consider another increase in the number of distance learning continuing education hours accepted at the August board meeting.

VOTE: 8 Ayes

Agenda Item #12 – Regulation Update – Ms. Bradbury

a) Pre-Licensure Training Requirements

Ms. Bradbury provided the board with an update/status of this rulemaking file.

b) Continuing Education Training Requirements

Ms. Bradbury provided the board with an update/status of this rulemaking file.

c) Applications (Deadlines)

Ms. Bradbury provided the board with an update/status of this rulemaking file.

d) Cite and Fine

Ms. Bradbury provided the board with an update/status of this rulemaking file.

e) Other Regulation Update Informational Items

None.

Agenda Item #13 - Continuing Education Report – Dr. Adelman

a) University of California Continuing Medical Education Consortium – Request for Approval Pursuant to Section 1397.61(g)

It was M(Continuing Education Committee)/C to approve the University of California Continuing Medical Education Consortium's request.

VOTE: 8 Ayes

b) ACCME Courses

The board reviewed letters regarding continuing education courses accredited by the Accreditation Council for Continuing Medical Education (ACCME). Prior to January 1, 2004, courses accredited by ACCME were accepted towards a psychologist's continuing education requirement. As a result of a regulation change that became effective January 1, 2004, specific reference to ACCME was removed from the board's regulations and authority was added to allow the board to recognize entities to perform an accrediting function if specific criteria are met. ACCME has never applied to the board to demonstrate that they meet the specific criteria.

c) Requests for Exception to Continuing Education Requirements

There were no requests for exception to the continuing education requirements.

d) Human Diversity Work Group Report

Dr. Adelman presented the "Report to the California Board of Psychology: Accomplishments of the Work Group Focused on Human Diversity." He discussed the information contained within the report. Dr. Adelman stated that a letter of appreciation needs to be sent out to workgroup participants for their assistance in developing this

document. Dr. Thomas commended Dr. Adelman for his contribution to this effort. Dr. Horn commended the entire Continuing Education Committee for their work in the area of continuing education.

It was M(Adelman)/S(Thomas)/C to have staff pursue a social marketing program to disseminate the information developed by the human diversity work group, including posting the report on the board's website, writing an article for inclusion in the board's newsletter, issuing a press release, interfacing with the American Psychological Association, and disseminating this information to trainers, continuing education providers, and professional associations representing underserved populations.

VOTE: 8 Ayes

It was M(Adelman)/S(Horn)/ C to explore the feasibility of developing an online continuing education course on the topic of human diversity to be available on the board's website.

VOTE: 7 Ayes – 1 Opposed (Dr. Thomas)

e) Request for Acceptance of Teaching and/or Practice Experience in Meeting the Spousal/Partner Abuse Training Requirement

It was M(Continuing Education Committee)/C to approve K.C.H.'s request for teaching and/or practice experience in meeting the spousal/partner abuse training requirement.

It was M(Continuing Education Committee)/C to approve B.S.'s request for teaching and/or practice experience in meeting the spousal/partner abuse training requirement.

It was M(Continuing Education Committee)/C to request S.W. to submit more specific information regarding his experience in spousal/partner abuse as it relates to same gender abuse dynamics and issues relating to cultural competence.

It was M(Continuing Education Committee)/C to approve W.G.'s request for teaching and/or practice experience in meeting the spousal/partner abuse training requirement.

It was M(Continuing Education Committee)/C to request S.S. to submit more specific information regarding her experience in the area of spousal/partner abuse as it relates to same gender abuse dynamics.

It was M(Continuing Education Committee)/C to request V.C. to submit more specific information regarding her experience in the area of spousal/partner abuse as it relates to cultural factors.

It was M(Continuing Education Committee)/C to request V.H. to submit more specific information regarding her experience in the area of spousal/partner abuse as it relates to assessment, detection and intervention strategies including community resources, same gender abuse dynamics and cultural factors.

It was M(Continuing Education Committee)/C to approve M.R.'s request for teaching and/or practice experience in meeting the spousal/partner abuse training requirement.

It was M(Continuing Education Committee)/C to delegate the authority to staff to approve requests for teaching and/or practice experience in meeting the spousal/partner abuse training requirement, rather than bringing all requests to the Continuing Education Committee for review, if the licensee demonstrates that he/she has adequate experience in all required areas.

VOTE: 8 Ayes

f) Request for Acceptance of Teaching and/or Practice Experience in Meeting the Aging/Long-Term Care Training Requirement

It was M(Continuing Education Committee)/C to accept B.S.'s request for teaching and/or practice experience in meeting the aging/long-term care training requirement.

It was M(Continuing Education Committee)/C to accept S.U.'s request for teaching and/or practice experience in meeting the aging/long-term care training requirement.

VOTE: 8 Ayes

g) Other Continuing Education Update Informational Items

None.

Agenda Item #14 – Credentials Committee Report – Dr. Horn

a) Review Plans for Supervised Professional Experience in Non-Mental Health Delivery Services

It was M(Credentials Committee)/C to request additional information from M.B. in support of her Plan for Supervised Professional Experience in Non-Mental Health Delivery Services.

It was M(Credentials Committee)/C to request additional information from R.C. regarding her employer.

It was M(Credentials Committee)/C to approve M.W.'s Plan for Supervised Professional Experience in Non-Mental Health Delivery Services pending receipt of his co-supervisor's vita.

It was M(Credentials Committee)/C to approve S.D.'s hours spent in training development and as a consultant to an access team, but to request additional information about S.D.'s duties in the research project.

It was M(Credentials Committee)/C to deny E.W.'s Plan for Supervised Professional Experience in Non-Mental Health Delivery Services since the research duties performed by E.W. do not require supervision and therefore do not qualify for licensure.

VOTE: 8 Ayes

b) Review Requests for Extension of 30-Consecutive Month Limit for Accrual of Supervised Professional Experience

It was M(Credentials Committee)/C to deny P.O.'s request for extension of 30-consecutive month limit for accrual of supervised professional experience.

VOTE: 8 Ayes

c) E.E. – Review of Supervised Professional Experience Accrued Out-of-Country

Dr. Horn stated that it will be necessary to request that E.E. submit additional information in support of her request for acceptance of her supervised professional experience accrued out of the country before the committee can make a recommendation.

d) Other Credentials Informational Items

It was M(Credentials Committee)/C to deny A.G.'s request for a waiver of the requirement for registration as a psychological assistant in order for the board to accept the hours she has accrued in a setting which requires such a registration toward her supervised professional experience. Dr. Horn indicated that the board does not have the authority to do so.

VOTE: 8 Ayes

Agenda Item #15 – Examination Committee Report – Mr. O'Connor

a) Examination Update

Mr. O'Connor reported in Dr. Ron Ruff's absence. Mr. O'Connor referred the board to a memo from Tracy Ferrell, Ph.D., from the Office of Examination Resources (OER). The memo provided an update on the review of the California Jurisprudence and Professional Ethics Examination (CJPEE).

b) Workshop Dates

Mr. O'Connor provided the board with the upcoming dates for the CJPEE workshops for fiscal year 2004-05.

c) Other Examination Informational Items

None.

Agenda Item #16 - Enforcement Committee Report – Ms. Johnson

a) Enforcement Statistics

Ms. Johnson reported that the statistical data provided included information from July 1, 2003, through March 31, 2004. She indicated that the Enforcement Committee has asked staff to develop a narrative page to be attached to the statistical data sheet that will contain the meaning of the statistical information provided.

b) Expert Reviewer Nominations

Ms. Johnson indicated that no new applications for becoming an expert reviewer had been received for review at this time. Also, she indicated that the board staff will begin advertising and seeking new experts in particular fields of expertise.

c) Other Enforcement Informational Items

Ms. Burns made note of a press release that had been issued by the Board of Psychology regarding the recent revocation of a psychologist's license to practice.

Ms. Burns reported that the Enforcement Committee has asked that the process for approving practice monitors, the qualifications of practice monitors, and the practice monitor reporting processes be enhanced to ensure that the monitoring of psychologists on probation is as effective and productive as possible. Further information regarding this issue will be brought to the board's August meeting.

Ms. Burns reported that the Enforcement Committee granted a probationer's request for termination of the practice monitor requirement as was allowed by the probationer's Decision and Order.

Agenda Item #17 – Legislation Committee Report – Dr. Thomas

a) AB 320 (Correa)

Dr. Thomas reported that AB 320 would prohibit a licensee, or an entity acting on behalf of a licensee, from inserting a provision in a settlement in a civil matter that prohibits the plaintiff from subsequently contacting, filing a complaint, or cooperating with the board, or that requires the plaintiff to withdraw an existing complaint from the board.

b) AB 2182 (Koretz)

Dr. Thomas reported that AB 2182 relates to the diagnosis and treatment of minors 12 years and over for drug or alcohol related problems. This bill would revise the definition of a "professional person" in section 6929 of the Family Code to include, among others, a psychological assistant when appropriately employed and supervised pursuant to section 2913 of the Business and Professions Code.

c) AB 2793 (Nakanishi)

Dr. Thomas reported that AB 2793 died from opposition from consumer groups. AB 2793 would have provided that a psychiatrist provide the primary medical treatment and diagnosis of biologic and molecular-based brain disease, as defined, for a person of any age.

d) SB 1688 (Ashburn)

Dr. Thomas reported that SB 1688 would authorize a licensed psychologist who is in active duty in the armed forces of the United States to fulfill continuing education requirements through distance education or to postpone continuing education requirements for a period specified by the board.

Mr. O'Connor noted that he discussed this bill with the author's office. He explained that currently, section 1397.62 of the board's regulations already exempts those in the military from continuing education requirements. The author's office pointed out that the regulatory language does not exempt those in the military who have not been absent from California for at least one year. Mr. O'Connor advised the author's office to write the board a letter to request that the regulations be amended to correct this error. A letter from Senator Ashburn is forthcoming. This bill has already been amended to address a different topic and the language will be addressed through the regulatory process rather than through legislation.

It was M(Thomas)/S(Adelman)/C to notice a proposed regulation change for a hearing at the August meeting.

VOTE: 8 Ayes

e) SB 1913 (Senate B & P)

Dr. Thomas reported that SB 1913 was the department's omnibus bill to clean up and update current, outdated language to add new language. One such clean up was to change the reference to the Psychology Examining Committee to the Board of Psychology.

f) Other Legislation Informational Items

None.

Agenda Item #18 – Consumer Education Committee – Ms. Reifman

a) Website Statistics

Ms. Reifman provided the board with statistics regarding the usage of its website.

b) BOP Update #12 Development

Ms. Reifman reported that the development of BOP Update #12 is underway and should be printed sometime this fall. She made some recommendations for inclusion in the newsletter and encouraged others to make suggestions.

c) 2004 Laws & Regulations Booklet

Ms. Reifman reported that the 2004 Laws & Regulations booklet is now available. Mr. Thomas reported that the booklet is available at no charge on the board's website, and hardcopies of the booklet can be obtained by sending a request along with \$6.00 to the board's office.

d) Other Consumer Education Informational Items

None.

Agenda Item #19 – Election of Officers

a) President

It was M(Tan)/S(Reifman) to elect Jacqueline Horn, Ph.D.

It was M(Thomas)/S(Graff) to nominate William Thomas, Ph.D.

VOTE: Dr. Horn – 7

Dr. Thomas – 1

b) Vice-President

It was M(Johnson)/S(McGhee)/C to elect William Thomas, Ph.D.

VOTE: 7 Ayes
1 Abstention

Agenda Item #20 - Public Comment

Patricia Rose, Ph.D. addressed the board on the issue of distance learning continuing education.

Melodie Schaefer, Psy.D. addressed the board on the issue of distance learning continuing education.

The open session meeting adjourned at 11:53 am.

Jacqueline Horn, Ph.D.
President

Date